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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES PETTUS,

Defendants.

Case No. 20-CR-00285-RS

STIPULATED ORDER (1)
 CONTINUING CHANGE OF PLEA
 AND SENTENCING HEARING; (2)
 EXCLUDING TIME FROM THE
 SPEEDY TRIAL ACT
 CALCULATION

Charles Pettus is scheduled to appear before this Court on November 3, 2020, for a consolidated change of plea and sentencing hearing. Probation Officer Jessica Goldsberry provided a timely draft presentence report (PSR) for Mr. Pettus' review and a copy was sent to him immediately, however, more than two weeks have passed and he still has not received it. A second copy has been sent. Mr. Pettus' ability to thoroughly respond to the PSR has therefore been delayed. Mr. Pettus would also request additional time to continue developing mitigation, which has been hampered by the realities of the pandemic and the availability of appointments at Santa Rita Jail. The parties jointly request the consolidated plea and sentencing hearing be continued from November 3, 2020, to December 14, 2020. Probation Officer Jessica Goldsberry is also available on the requested date.

The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the
 STIP & [PROPOSED] ORDER

time from November 3, 2020 to December 14, 2020. An exclusion is appropriate under 18 U.S.C. § 3161(h)(7)(B)(iv), effective preparation of counsel, taking into account the exercise of due diligence. Furthermore, an exclusion is appropriate under 18 U.S.C. § 3161(h)(7)(A), “on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial,” due to the realities the pandemic, and the benefit of consolidating plea and sentencing hearings, as counseled by General Order 72-6.

Thus, the parties stipulate, and the Court finds and holds, as follows:

1. The hearing on November 3, 2020, is vacated, and this matter is set for a consolidated change of plea and sentencing hearing on December 14, 2020, at 2:00 p.m.
 - a. The time between November 3, 2020, and December 14, 2020, is excluded under the Speedy Trial Act. The ends of justice served by granting the requested continuance outweigh the best interests of the public and defendant in a speedy trial. *See id.* § 3161(h)(7)(A).

IT SO STIPULATED.

October 16, 2020
Dated

DAVID L. ANDERSON
United States Attorney
Northern District of California

/S

MARI OVERBECK
Assistant United States Attorney

October 16, 2020
Dated


STEVEN G. KALAR
Federal Public Defender
Northern District of California

/S

SOPHIA WHITING
Assistant Federal Public Defender

IT IS SO ORDERED.

October 16, 2020
Date



HON. RICHARD SEEBORG
United States District Judge